

STATEMENT OF REP. JOHN CONYERS, JR.
Courts, the Internet, and Intellectual Property Subcommittee
Hearing on "The Federal Judiciary: Is There Need for
Additional Federal Judges?"
Tuesday, June 24, 2003

We meet here today at a time when we are employing more full-time federal judges than at any other time in our nation's history. In fact, we currently have the lowest number of vacancies on the court in 13 years. I find it interesting that after years of blocking moderate Clinton appointees, the Republicans are now attempting to steam roll through Congress a series of controversial right wing appointments onto the federal bench. I have always supported improving the federal court system. But, I want to ensure that the Judicial Conference's work is not used as a tool by the Republicans to pack the federal courts with right wing ideologues.

The public has been made to believe that the Democrats are to blame for the vacancies in the federal courts in effort to avoid debate about highly controversial nominees. The reality of the matter is that Republicans were actually responsible for using political tactics to create these vacancies. In the last two years, 123 of the President's judicial nominees will have been confirmed. By contrast, during the six and one-half years that the Republicans controlled the Senate under President Clinton, the Senate averaged only 38 confirmations a year. Indeed, Republicans blocked up or down votes on more than 60 of President Clinton's judicial nominees. Now that the Senate has filled 60% of the vacancies in the federal court, I will not tolerate Republicans efforts to try to speed through highly-conservative judicial nominees by placing blame on the Democrats.

I would also hope that if we do need to create more federal judgeships that we make sure we are addressing a real need. The GAO report has raised some questions about the methodology used by the Judicial Conference. I understand that the Judicial Conference is currently working on updating its research design. It would be valuable for us to allow them

some time to improve their methodology before we consider adding more federal judgeships.

In this highly politicized climate we need to be weary of attempts to transform the federal judiciary. We need to ensure that our judiciary maintains its independence and never becomes the pawn of a political party. The importance of yesterday's affirmative action decisions illustrates this point. With this in mind, I hope that we can work together to gain a greater understanding of the needs of our federal judicial system. This hearing provides a valuable opportunity for us to work towards finding the most accurate way to assess the need for additional judges.